

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ELIBERTO GARZA,

Defendant-Appellant.

UNPUBLISHED

July 27, 2001

No. 223543

Wayne Circuit Court

LC No. 99-005741

Before: Wilder, P.J., and Hood and Griffin, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for unarmed robbery. MCL 750.530. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that there was insufficient evidence to support his unarmed robbery conviction where no force was used until complainant attempted to stop defendant from leaving the building after he had taken her wallet from a purse in an empty classroom. We disagree.

In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

The elements of unarmed robbery are : (1) a felonious taking of property from another, (2) by force or violence or assault or putting in fear, and (3) being unarmed. MCL 750.530; *People v Johnson*, 206 Mich App 122, 125-126; 520 NW2d 672 (1994). The use of force in retaining the property taken or in attempting to escape is sufficient to supply the element of force or coercion essential to the offense of robbery. *People v Tinsley*, 176 Mich App 119, 121; 439 NW2d 313 (1989). Robbery is a continuous offense that is not complete until the defendant reaches safety. *People v Turner*, 120 Mich App 23, 28; 328 NW2d 5 (1982).

Complainant's testimony established that defendant used force in retaining the property and effectuating his escape. There was sufficient evidence to support the conviction.

Affirmed.

/s/ Kurtis T. Wilder

/s/ Harold Hood

/s/ Richard Allen Griffin